

Sordid Sizemore saga continues

'I am not a convicted racketeer!' Bill Sizemore declares in new federal lawsuit

By DON McINTOSH
Associate Editor

Perennial union foe Bill Sizemore — twice jailed and four times held in contempt of court in connection with an 11-year-old legal battle — is now pleading in federal court to strike down all those whom he believes have wronged him.

In a suit he filed March 16 without the aid of an attorney, he names as defendants a veritable enemies list that includes Oregon's current and former attorney general, current and former secretary of state, the Oregon Education Association (OEA), the American Federation of Teachers (AFT)-Oregon, two state attorneys at Oregon Department of Justice, and two judges who ruled against Sizemore, including the judge who ruled in 2003 that Sizemore's "sham non-profits" (the judge's words) violated Oregon Racketeering Influenced and Corrupt Organizations statute. An additional 50 defendants, employees of the justice department and secretary of state's office, are unnamed "John Does."

In the suit, Sizemore charges that the defendants' actions damaged his reputation and credibility, caused him a loss of liberty, property and income, and inflicted "severe emotional duress." He also argues that his First Amendment rights and his ability to make a living were infringed by a voter-approved law banning pay-by-the-signature in initiative campaigns, as well as a 2007 law cleaning up ballot initiative

abuses, and by court-ordered restrictions on his ability to found charitable non-profits. Sizemore argues that the two laws violate his free speech rights because they increase the cost of signature gathering.

But the 56-page legal complaint reads less like the opening salvo of a federal lawsuit than a highly personal rant in which Sizemore details his perceived persecution at the hands of his enemies. In the suit:

- Sizemore rebuts accusations that he had been angry with his wife or abused her in any way when she considered the state's offer to testify against him in a tax case.

- Sizemore says the Oregon Supreme Court intimidated Marion County Circuit Court Judge Joseph Guimond, and as a result Guimond dismissed a lawsuit Sizemore had filed. In that 2010 suit, a Sizemore group called "Oregonians for Honest Elections" had sought \$10 million in damages from numerous individuals



for calling Sizemore a "convicted racketeer." Sizemore also accuses Judge Guimond of defaming him for ruling that it was not unreasonable to call Sizemore a convicted racketeer.

- Sizemore says Secretary of State Kate Brown violated his First Amendment rights by insisting he comply with a reform law by turning over payroll records showing that employees had not been paid by the signature. When he refused to comply, Brown ordered signature-gathering halted on the petition; Sizemore argues that damaged his credibility with previous and future donors.

- Sizemore accuses Judge Janice Wilson of violating his right to due process when she stated in her ruling that he lied under oath; Sizemore maintains that because no perjury charges were filed, the statement was improper.

"Frankly I don't expect this suit to get very far," says AFT-Oregon Executive Director Richard Schwarz.

For one thing, Schwarz says, two weeks after the suit had been filed, AFT has not yet been served. AFT learned of the suit only indirectly, Schwarz said.

"The state Court of Appeals and the state Supreme Court have already ruled on these issues, including the constitutional questions," Schwarz said. "And the elements of his personal life that he's added in are irrelevant to any legal questions."

Schwarz himself was not named in the complaint, which instead names AFT national president Randi Weingarten.

To the extent the suit goes forward, the unions will be defended by attorney Greg Hartmann.

The suit is the latest development in a convoluted legal drama that began in 2000 when OEA, later joined by AFT-Oregon, filed suit against two groups founded and directed by Sizemore. In 2002, a jury found that the groups had engaged in widespread forgery and fraud in its campaign to place two measures on the 2000 ballot. It was learned during the trial that the measures were specifically intended to bleed the union treasuries fighting them, and in fact the unions spent millions of dollars defeating the measures. Sizemore's groups had also directed donors to contribute to his tax-deductible non-profit, funds which were then bundled and sent to a

Washington, D.C., group, which sent them back to his political committee, thus avoiding Oregon's campaign finance disclosure laws.

After the jury decision, Judge Jerome LaBarre ordered Sizemore's groups to pay \$2.5 million damages to the two unions. He also issued an injunction against Sizemore personally, ordering that he not form any similar non-profits or engage in similar behavior for five years. Sizemore was later found in contempt of court when he attempted to evade the injunction by forming new groups that used the resources of the old groups to do substantially the same work. A judge found Sizemore personally liable for the damages.

Along with his longtime funder Loren Parks, a Nevada millionaire, Sizemore was named as a co-defendant in a parallel \$18 million lawsuit filed in 2009 by OEA and AFT. That racketeering suit, still pending, alleges that Sizemore committed similar practices in efforts to get on the 2008 ballot. Facts that came out in that case led the State of Oregon to pursue criminal charges against Sizemore, and last year, he pled guilty to three felony tax charges and served 30 days in jail.

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